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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2686	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,798

Applicant(s)

CHENG, STEVEN D.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1).

Regarding claim 1, Haartsen teaches method for receiving public broadcast services with a wireless device compatible with the Global System for Mobile communications (GSM) protocol (col 6 lines 19-30), the method comprising:

Performing a radio frequency (RF) scan on all frequencies in at Least one predetermined frequency band to identify all possible Broadcast Control Channels (BCCHS) (col 5 lines 20-21, col 7 lines 9-23);

Indicator (RSSI) Level the BCCHS according to measuring Received Signal Strength els for each BCCH, and sorting the corresponding RSSI Levels (see figure 5, col 8 lines 15-21, col 7 lines 9-63);

the wireless device selecting a BCCH having a strongest average RSSI Level (col 7 lines 64-67, col 8 lines 1-4);

the wireless device camping on a cell corresponding to the selected BCCH (col 6 lines 18-29).

Haartsen fails to teach a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. However, Zhao teaches a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. (0004, 0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Zhao with Haartsen, in order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Regarding claim 2, Haartsen teaches a method of claim 1 wherein if the wireless device is a multi-band device capable of receiving signals in a plurality of frequency bands, the wireless device scans all frequencies in each of the plurality of frequency bands for identifying all possible BCCHS (col 5 lines 20-22, col 6 lines 32-55).

Regarding claim 7, Haartsen teaches a method wherein after the wireless device selects the BCCH having the strongest average RSSI Level, the wireless device continues to monitor a subset of the identified BCCHS having a highest average RSSI Level to ensure that the wireless device always selects the BCCH with the Strongest average RSSI Level (col 7 lines 9-63).

3. Claims 3-6, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Abrahamson et al. (US Publication 2004/01009431 A1).

Regarding claim 3, Haartsen inherently teaches a method wherein performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (col 5 lines 20-55, col 7 lines 9-63). However, Haartsen modified by Zhao fails to teach the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claims 4, Haartsen teaches a method of claim 3 wherein if BCCH RSSI Level RSSI Level information the wireless device Loads the BCCH and selects a BCCH having a strongest average RSSI Level (col 7 lines 9-67, col 8 lines 1-4). However, Haartsen modified by Zhao fails to teach a method of claim 3 wherein if BCCH RSSI Level information is already stored in the nonvolatile memory. However, Abrahamson teaches the wireless device comprises a nonvolatile

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memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 5, Haartsen modified by Zhao fails to teach a method of claim 3 wherein after measuring the RSSI Levels for each BCCH and sorting the BCCHS according to the corresponding RSSI Levels, the wireless device stores a List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory. However, Abrahamson teaches a method of claim 3 wherein after measuring the RSSI Levels for each BCCH and sorting the BCCHS according to the corresponding RSSI Levels, the wireless device stores a List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 6, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of updating the List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory if the average RSSI Level of the selected BCCH changes by more

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than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH. However, Abrahamson teaches a method wherein the wireless device is capable of updating the List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory if the average RSSI Level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

Regarding claim 8, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs). However Abrahamson teaches a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs) (0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

4. Claim 9, is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Hsuan (US Publication 2005/01001332 A1).

Regarding claim 9, Haartsen modified by Zhao fails to teach a method of claim 1 wherein the GSM public broad-cast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone net-works. However, Hsuan teaches a method wherein a method of claim 1 wherein the GSM public broadcast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone networks (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Hsuan with Haartsen modified Zhao, for the purpose when a user does not contact GSM system, the SMSC will reserve the message and send it to the user once the user connects the system.

5. Claims 10-11, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Yaqub (US Publication 2005/01001332 A1).

Regarding claim 10, Haartsen teaches a method for receiving GSM public broadcast services with a mobile station compatible with the Global System for Mobile communications (GSM) protocol (col 6 lines 19-30), the method comprising:

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performing a radio frequency (RF) scan on all frequencies in at Least one predetermined frequency band to identify all possible Broadcast Control Channels (BCCHS) (col 5 lines 20-31, col 7 lines 9-23);

Indicator (RSSI) level the BCCHS according to measuring Received Signal Strength levels for each BCCH, and sorting the corresponding RSSI levels', the mobile station selecting a BCCH having a strongest average RSSI level (col 9 lines 9-62);

the mobile station camping on a cell corresponding to the selected BCCH (col 6 lines 18-29).

Haartsen fails to teach a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. However, Zhao teaches a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. (0004, 0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Zhao with Haartsen, in order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Haartsen fails to teach searching for a Subscriber Identity Module (SIM) card in the mobile station, determining that the mobile station does not contain a SIM card or that the mobile station contains a SIM card that cannot provide local telephone service. However, Yaquab modified by Zhao fails to teach searching for a Subscriber Identity Module (SIM) card in the mobile station, determining that the mobile station does not contain a SIM card or that the

mobile station contains a SIM card that cannot provide local telephone service (0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Yaqub with Haartsen modified by Zhao, in order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Regarding claim 11, Haartsen teaches a method of claim 1 wherein if the wireless device is a multi-band device capable of receiving signals in a plurality of frequency bands, the wireless device scans all frequencies in each of the plurality of frequency bands for identifying all possible BCCHS (col 5 lines 20-22, col 6 lines 32-55).

Regarding claim 16, Haartsen teaches a method wherein after the wireless device selects the BCCH having the strongest average RSSI level, the wireless device continues to monitor a subset of the identified BCCHS having a highest average RSSI level to ensure that the wireless device always selects the BCCH with the Strongest average RSSI level (col 6 lines 9-63).

6. Claims 12-15, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048), and Zhao et al. (US Publication 20040192251 A1), in view of and Yaqub (US Publication 2005/01001332 A1) in further view of Abrahamson et al. (US Publication 2004/01009431 A1).

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Regarding claim 12, Haartsen teaches a method wherein performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (col 5 lines 20-55, col 7 lines 9-63). However, Haartsen modified by Zhao and Yaqub fails to teach the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

Regarding claim 13, Haartsen teaches a method of claim 3 wherein if BCCH RSSI level RSSI level information the wireless device loads the BCCH and selects a BCCH having a strongest average RSSI level (col 7 lines 9-67, col 8 lines 1-4). However, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 3 wherein if BCCH RSSI level information is already stored in the nonvolatile memory. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified

Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 14, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 3 wherein after measuring the RSSI levels for each BCCH and sorting the BCCHS according to the corresponding RSSI levels, the wireless device stores a list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory. However, Abrahamson teaches a method of claim 3 wherein after measuring the RSSI levels for each BCCH and sorting the BCCHS according to the corresponding RSSI levels, the wireless device stores a list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory (0054, 0080-0081).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 15, Haartsen modified by Zhao and Yaqub fails to teach a method wherein the wireless device is capable of updating the list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory if the average RSSI level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH. However, Abrahamson teaches a method wherein the wireless device is capable of updating the list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory if the average RSSI level of the selected BCCH changes by more than a

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threshold value while the wireless device is camping on the cell corresponding to the selected BCCH (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

Regarding claim 17, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs). However Abrahamson teaches a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs) (0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

7. Claim 19, is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) and Yaqub, in further view of Hsuan (US Publication 2005/01001332 A1).

Regarding claim 19, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 1 wherein the GSM public broadcast services include Short Message Service (SMS) messages

sent to wireless devices by mobile phone net-works. However, Hsuan teaches a method wherein a method of claim 1 wherein the GSM public broad-cast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone net-works (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Hsuan with Haartsen modified Zhao and Yaqub for the purpose when a user does not contact GSM system, the SMSC will reserve the message and send it to the user once the user connects the system.

Allowable Subject Matter

8. Claim 18, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noerpel et al. (US Publication 2003/0050072 A1) disclose dark beam operation scenario

Wacker et al. (US Publication 2004/0198234) disclose system and method for analyzing a network environment and network parameters

Martschitsch et al. (US Publication 2002/0193127 A1) disclose method and system for preparing and transmitting SMS messages in a mobile radio network

10. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

August 30, 2005



NAGHMEH MEHRPOUR
PATENT EXAMINER